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**EVENT VIOLATION**  
**INSPECTOR'S STATEMENT**  
**MINERALS REGULATORY PROGRAM**

Company/Mine: Nevada Star  
Permit #: S/001/039

CO # MC-2005-04-03  
Violation # 1 of 1

**SERIOUSNESS**

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation.** Mark and explain each event.

- |                                     |    |  |
|-------------------------------------|----|--|
| <input checked="" type="checkbox"/> | a. | Activity outside the approved permit area.                     |
| <input type="checkbox"/>            | b. | Injury to the public (public safety).                          |
| <input type="checkbox"/>            | c. | Damage to property.  |
| <input checked="" type="checkbox"/> | d. | Conducting activities without appropriate approvals.           |
| <input type="checkbox"/>            | e. | Environmental harm.  |
| <input type="checkbox"/>            | f. | Water pollution.   |
| <input type="checkbox"/>            | g. | Loss of reclamation/revegetation potential.                    |
| <input type="checkbox"/>            | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/>            | i. | No event occurred as a result of the violation.                |
| <input type="checkbox"/>            | j. | Other.   |

Explanation: The operator mined outside his five acre Small Mine area without prior approval or having an approved Large Mine Permit.

2. Has the event or damage occurred? Yes  
If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: The operator expanded his disturbance to 7.107 acres.

3. Did any damage occur as a result of the violation? yes

4.

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: The area disturbed outside his five acres include ponds built under a proposed large mine permit.

**B. DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: \_\_\_\_\_

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: Lack of reasonable care. However, the operator was not negligent due to his failing to understand what he felt was disturbed.

- ☒ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: The operator who is transferring the site to Western Utah Copper had never assessed the acreage he had disturbed, which was measured at 7 acres. The portion of the site that is currently being used is less than a half an acre.

- ☐ Was the operator in violation of a specific permit condition?

Explanation: \_\_\_\_\_

- ☐ Has DOGM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: \_\_\_\_\_

Was any economic benefit gained by the operator for failure to comply? \_\_\_\_\_

If yes explain.

Explanation: \_\_\_\_\_

**GOOD FAITH**

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: The violation was sent to the operator on June 24, 2005. By July the operator was to provide a map and clearly delineate the area where disturbance will continue. Since this site is going to be transferred to Western Utah Copper permit #M/001/067, the area of disturbance will be less then a half of acre, so overall the total disturbance will only be 5 acres.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: The operator did not have the resources on site to regrade the area.

3. Was the submission of plans prior to physical activity required by this NOV / CO? NO If yes, explain.

Explanation: \_\_\_\_\_

Tom Munson  
Authorized Representative

Tom Munson  
Signature

7/19/2005  
Date

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